

Ireland vol 3.

OBSERVATIONS
ON THE
MUTINY BILL:
WITH SOME
STRICTURES
ON
LORD BUCKINGHAMSHIRE'S
ADMINISTRATION IN IRELAND.

[Price One Shilling and Sixpence.]

ORRINGTON

OF THE

MUTUALITY BILL

WITH SOME

STRUCTURE

OF



LORDS OF THE

PARLIAMENT IN IRELAND

PRINTED BY J. J. GILKINSON

OBSERVATIONS
ON THE
MUTINY BILL:
WITH SOME
STRICTURES
ON
LORD BUCKINGHAMSHIRE'S
ADMINISTRATION IN IRELAND.

By HENRY GRATTAN, Esq. M.P.

SECOND EDITION.

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RESERVATIONS

MUTUAL BILLS

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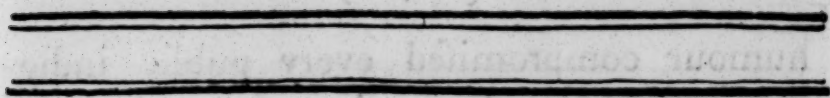


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L E T T E R,
ADDRESSED TO THE
PEOPLE OF IRELAND.

YOU have been active in the service of your country, you have been liberal in rewarding individuals, you have set an example of public virtue in your own conduct, and have encouraged it in others by the warmest panegyric.

You have done this, in a country where patriotism had been timid, infrequent, and treacherous; and in an age when the principle was supposed to have perished. When the hearty intercourse of private life reconciled to state offenders, and clumsy good-

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humour

humour compromised every public indignity. A great change in a short time has been wrought in the public mind; an alteration has followed in the national condition. I remember the state of this country before you formed your associations; I see the change, and rejoice at it.—It was not your fault that we have not more reason to rejoice, and that trade and constitution, so near a happy settlement, should be thrown back into a state of suspense, and the nation stung when she began to repose.

The people of Ireland are not ungrateful, nor insatiable, nor seditious; but no people will be satisfied who conceive themselves cheated of a free grant of trade, and see a constitution rescued out of the hands of one parliament to be mangled by another.—You perceive I allude to the Sugar and Mutiny Bills.—I mean to make the latter the subject of this letter.—I am not afraid of the people of Ireland.

I don't agree in the vulgar and courtly notion that political discussion idles a nation;
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tion ; with the examples before me of Great Britain, and the north of Ireland, I say the spirit of liberty brings on the spirit of trade, and that our immediate interest is our proper study ; arms and liberty, the great securities of acquisition, cannot be inconsistent with the habits of acquiring. The manufacturer does not become weak by discipline, nor is the elector disfranchised by being armed. In every free state, politics should be the study of all ; a mystery to the people, they become the trade of the great ; the political monopolist is a hardened jobber. That state is indeed prosperous which can produce an armed, disciplined, industrious, vigilant, and constitutional people.

But of all nations, Ireland should apply herself to the study of her own rights because her constitution is now forming ; whatever hurt it now receives, we must carry that cast of infirmity from the cradle to the grave. Our liberty as yet has received no acknowledgments from the ministers of justice, but depends upon the steady sense

which the people entertain of their own laws? We obtained trade and liberty in the character of an armed, active community; in that character will we preserve them. Nor have we only a right to discuss political questions, but debate and condemn such as have received the approbation of parliament; otherwise corruption prevailing in the senate would silence the nation, and render it criminal to condemn, and therefore impossible to repeal a disgraceful law. Upon these principles I submit to you some observations upon the Mutiny Bill.

I conceive that standing armies in peace are against the principles of the constitution, and the safety of public liberty; they have subverted the freedom of all nations, except in those instances where their numbers were small, or the power of the Sovereign over such an instrument, limited in quality or duration; for it is in vain to set bounds to the authority of the chief magistrate in other matters by the general tendency of law, if a specific statute or ordinance

nance shall give him a perpetual and irresistible force. In such a case, the law would invest the king with a power too strong for herself, and would make provision for her own violation; and as the army itself is dangerous, so also is that code of law by which such an establishment is regulated and accommodated.—

The Mutiny Bill or martial law methodized, is not only different from, but directly opposite to the common law of the land; it sets aside her trial by jury, departs from her principles of evidence, declines her ordinary tribunals of justice, and in their place establishes a summary proceeding, arbitrary crimes, arbitrary punishments, a secret sentence, and a sudden execution.

—It invests his Majesty with a power to ordain what new offences, and establish what new punishments, he shall in his discretion think fit, provided the punishment don't extend to life or limb. "A vast and important trust," says the author of the Commentaries speaking of an annual, not a perpetual Mutiny Bill, "an unlimited
" power

“ power to create crimes, and annex to
 “ them any punishment not extending to
 “ life or limb. These are forbidden to be
 “ inflicted, except for crimes declared to be
 “ punishable by this act; among which we
 “ may observe, that any disobedience to
 “ lawful commands is one.”

The object of this code is to bring those who are reached by it to a state of implicit subordination, and to create in their Sovereign an absolute authority.—It furnishes a perfect image of arbitrary power. Accordingly the people of England, whose maxims we should admire and emulate, jealous on all subjects which relate to liberty, have exceeded, on the subject of the army, their usual caution; they have, in the preamble of their annual Mutiny Bill, claimed their birthright; they recite that part of the declaration of right, “that standing armies and martial law in peace, without the consent of parliament, are illegal:” and having stated the simplicity and purity of their antient constitution, and set forth a great principle of
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of Magna Charta, they admit a partial and temporary repeal of it; they admit an army and a law for its regulation, but they limit the number of the former, and the duration of both; confining all, the troops themselves, the law that regulates, and the power that commands them, to *one year*. Thus is the army of England rendered a parliamentary army, the constitutional ascendancy of the subject over the soldier, preserved; the military rendered effectually subordinate to the civil magistrate, because dependent on parliament, the government of the sword controlled in its exercise, because limited in its duration, and the King entrusted with the command of the army during good behaviour only. And yet, that wise people have hitherto considered the army thus limited, thus dependent, thus qualified, and sheathed, as a necessary evil; and will not even admit of barracks, lest the soldier should be still more alienated from the state of a subject, and thus alienated and armed have a post
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of strength, and the dangerous nature of his condition be aggravated by situation.

When the Parliament of Ireland proceeded to regulate the army, I conceive it should have adopted the maxims of the British constitution as much as the rules of British discipline. I conceive that it ought to be the policy of this country to go, step by step, with the British nation in all her wise regulations; and not only adopt her constitution, but pursue the wise and aged maxims which she has formed for its preservation; that mutual liberty may be common strength; that England may not be our tyrant, not be a prerogative country with a constitution inverted, a bad lesson to Kings, poisoning their minds with false notions of government, and arming their hands with unconstitutional powers. We have, however, departed from the example and maxims of England; we have done so in the most important concern, the government of the sword; and in three most material

terial instances : in our Mutiny Bill, we have omitted the preamble which declares the great charter of liberty, we have left the number of forces in the breast of his Majesty, and under these circumstances we have made the bill perpetual,

This is to depart from the prudence of England, and in the very case where we should have surpassed her in caution, because we have all her reasons to dread a standing army, and many of our own likewise : we have no foreign dominions to preserve, and we have a constitution to lose by the violence of an army, by the encroachments of the Prince, and by the usurped authority of the British parliament. The liberty of this country has indeed been asserted by the inhabitants, but has received no adequate acknowledgment on the part of his Majesty ; on the contrary, his Excellency's confidential secretary did, on the part of the government, officially, from a written paper, declare, that he opposed the introduction of the Irish Mutiny

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Bill upon the principle, “ that he conceived it unnecessary—that the English “ Act extended to Ireland;” also his Majesty’s Attorney-General did assert, that the British parliament could bind Ireland. Likewise his Excellency, just before the arrival of the Irish bill, ordered the troops to change quarters, guarding by a cotemporary comment against whatever the Bill might import in favour of our liberty. Also the Post-office is kept up in this country without seeking an Irish act, contrary to an express engagement; and though I know very well, that it has no legal existence, yet it affects to stand upon British statute.

After such declarations and such acts of government (the name of Ireland exhibited in the British Mutiny Act) during the subsistence of the contest, with the example of America before us, to arm the chief magistrate, or rather indeed to arm the claims of the British parliament, with a perpetual law for the regulation and accommodation
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of any indefinite number of troops his Majesty is pleased to keep up in Ireland, appears to me a measure of an unwarrantable and unseasonable, corrupt and a crazy confidence.

I must observe, that the army thus rendered by your law unconfined in its numbers, and by the same law made independent of parliament for its regulation, however brave and respectable, is not a native army, but of that very country which claims to make law for Ireland ; also I must observe, that the minister who in fact governs that army, is the British minister, not responsible to your parliament, nor resident in your country : so that now by this pernicious bill, this minister, a foreign and contemptuous character, in a safe and distant capacity, free from the controul of an expirable authority, may send into this country any number of troops which the return of his pride may require, or the collected strength of the empire at the close of the war shall be able to furnish ; and he may billet them

upon you in execution of any project of power, or avarice, or revenge, to collect a British tax, or disperse an Irish association, or trample on an Irish spirit; and the people of this country have the mortification to think, that they may by their own law, a law grafted on their best exertions, be obliged to billet and accommodate troops quartered upon them for their destruction: or though his Majesty's ministers may not choose to come to extremity, yet may they gradually and at their leisure, armed with our law and encouraged by our humiliation, raise new regiments, a measure both of corruption and force; or throw into this kingdom such a body of troops as may break her spirit, watch her motions, controul her free action, and finally make those who before thought it expedient to deny, soon think it inexpedient to resist, the usurped authority of the British parliament.—I say, the minister may do this at his leisure, and build by degrees a system of tyranny on the foundation of our own law.—Princes could not destroy liberty by force, if they had
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not obtained that force by law ; nor was any nation ever enslaved, who might not have found in herself the efficient causes of her own servitude : her laws become a suggestion to the tyrant. The principle of political death is laid by the false guardians of public liberty ; indeed, from the critical situation of this kingdom, so striking is the danger that a Mutiny Bill for eighteen months was an act of confidence justified by necessity only, that the minister would not have abused that confidence is more than probable. Limitation of period changes the nature and softens the exercise of power : before an attempt could be brought to bear, before a sufficient number of forces could be conveniently collected, or before they could be ready for action, the act which kept them together might expire, and the crown in the attempt lose its revival : despotism would have wanted a root ; the law in this case (and the wisdom of a free people can do no more than take the best chance for their liberty, and multiply difficulties on those who should invade it, instead

stead of making the passage easy and natural); the law, I say, in this case would stand in the way of the early encroachment; the apprehension of this would deter the attempt; the army is prevented from flying off for ever from the law, by periodically touching the sphere of the constitution. England has found a limited Mutiny Bill innoxious, but would not listen to a perpetual one. In fact, Mutiny Bills are limited on the same principle as Money Bills; both are certain to be renewed; but on the return to the people of the powers which both include, the purse and the sword, depends whatever of limitation is annexed to prerogative, or of privilege is annexed to parliament.

I have still hopes, if his Majesty's ministers should make an unconstitutional use of this perpetual Mutiny Bill, our parliament would struggle for freedom; would refuse its assent to the additional supply and the military establishment, expecting that his Majesty's forces would want provision
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under the first measure, and disperse under the authority of the last. I think they ought, but believe they would not : in strict constitution I do think the specific consent of parliament is still necessary for the continuation of the army. I think farther, that the present Mutiny Bill expires with the parliament that made it ; but these are points which an army will not comprehend ; no, it will make good its quarters by the sword. Our best security therefore for the privileges which we have left does not consist in the powers which our parliament has reserved, but in other resources : the spirit of the nation is high, her ministers distracted, her liberty in force, her volunteers numerous, and the mischief of a military government suspended by an armed people.

I must further observe to you, that the Mutiny Bill is not only dangerous from the above considerations, but others which I will state to you.—The revenue of this country is not granted in a manner favourable

able to public liberty.—The hereditary revenue is above 600,000*l. per annum*; the encrease of that revenue, assisted by trade, and eased of additional duties, would be considerable. Hitherto his Majesty's ministers in Ireland have lanished the public money for the purpose of encreasing the undue influence of the crown; but if what is now employed to render parliament subservient, should be applied to maintain an army independent of parliament; if power in this country should take the shape of œconomy; if his Majesty's minister, encouraged by this law, should try new councils and old resources; I do not say they would succeed; God forbid! but I do say, it was worthy of parliament to have removed the danger by a limited Mutiny Bill, instead of prompting the experiment by a perpetual law. I must add, that as an ample revenue is perpetual, so is the power of collecting it perpetual, provided his Majesty don't call a parliament; for the Revenue Bill is by an express clause to continue until the end of the then next session of parlia-

parliament. These are great defects in our constitution, very great indeed! they have produced a train of the worst consequences; for to these perpetual grants of revenue and power, capable of being cured by a limited Mutiny Bill, but aggravated by a perpetual one; to these grants do I attribute the frequent insults, which, with the interval of a few months in the beginning of the last Session, have been offered to the Irish parliament, and the foolish compliance with which those insults have been borne; the frequent, studious, and almost periodical breach of the privilege of the Irish House of Commons in the alteration of her Money Bills; the solemn protest imposed, and I might say branded on the Journals of the Lords against the inherent and exclusive right of the Commons, to originate bills of supply; the tedious, lawless, wanton, and successive embargoes frequently laid during the sitting of parliament, and without its consultation. The continuing to pay, by virtue of the King's Letter, the very pensions which the House

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of

of Commons had repeatedly disallowed ; the refusing to give any account of great sums disbursed by the Privy Council under the denomination of *Concordatum*, and screened from enquiry under the impudent hypocrisy of an oath ; from the grants I speak of has proceeded the plunder of our people as well as the insults on our parliament ; the vast, indecent, and encreasing number of places, pensions, salaries, additional salaries, &c. &c. and all that bold rapine, promoted by a desperate series of wretched Viceroys.—From these grants has proceeded another evil, the pregnant cause of many more, no man in Ireland is responsible for any thing, the Lord Lieutenant is not responsible, his secretary is not responsible, his dependents are not responsible, the inferior servants of the Crown, glorying in a base impunity, plead they are but instruments of power : the superior criminal is shifted, the crime continued, the grievance accumulated, and the nation cheated both of redress and justice. From these grants has proceeded that argument or threat of insolent

solent admonition and court common place, which justifies prodigality as the only security and charter for the being of parliament; viz. “ you have granted so much for ever, “ that if government were as frugal as you “ desire, it could do without you,” say the flippancy of the Castle to a committee of accounts. And certainly, though these grants were not arguments for crimes, they were strong reasons against concessions,—they were strong reasons for a limited Mutiny Bill, necessary to the general principles of the constitution, and a specific for the weakness of ours, better than an encrease of expence or an accumulation of debt, or any of those bankrupt experiments which would cure the mischief of giving for ever by wasting the grant, and seek in the beggary of the state the powers of the constitution. But we have rejected the remedy and have nourished and invigorated the disease: for to an ample revenue independent of parliament, and a Revenue Bill in a great measure independent of parliament, we have added a Mutiny Bill independent of parliament likewise;

likewise; a mischief greater than the others, added to the others, and bringing all the others to bear, forming in this kingdom into an operative system, arbitrary power, a perpetual revenue, an eventual perpetual power of collection, and the perpetual dominion of the sword.

I am the more anxious at enlarging the independency of the minister on the Irish parliament, because I recollect how tenacious the former has been of that independency; for he has strenuously endeavoured to save the hereditary revenue from diminution, and has felt the most lively jealousy of public bounties payable out of that revenue, as so much taken from the crown not paid by the subject, and has given that style to those who are in orders under him; and in the last session he exerted all his influence to diminish, and did diminish, the bounty on the carriage of corn, to ease the perpetual revenue, and rescue the crown from what he seemed to dread a *growing* dependency on his Irish parliament: also
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the minister in 1772, did insert in the Revenue Bill the perpetuating clause, though it was omitted here; from all which I conceive, that the independence of the crown in Ireland is at least in the contemplation of his Majesty's minister, as something which may be resorted to hereafter, and which in the mean time fortifies the abuse of power, and intimidates the assertion of privilege.

Nor have we only the hereditary revenue of Ireland to fear, but all the resources of the British nation capable of being employed to feed an army to enforce the laws of the British parliament.—I hope the liberties of this country may last for ever against the ambition of kings, the usurpation or the compliance of parliaments against power, corruption, or fear, against our enemies, against ourselves. I have that confidence in the British nation, that I hope she would not agree to enforce by arms, in this country, the authority of her own parliament; but this consideration will never
justify

justify that unwarrantable law which enables his Majesty to regulate and billet in Ireland whatever number of forces the hereditary revenue of Ireland, and all the aids he can get from England, and misapply, will sustain, to execute the worst purposes of a minister, thus armed by the act of our parliament, provoked by the triumphs of our people, and from the first an enemy to our pretensions.

And while I speak of the liberties of Ireland diminished by this perpetual law, I cannot overlook those of England considerably exposed by it, exposed by a law which, in the neighbourhood of the British nation, forms a military government, establishes an unconstitutional prerogative, and erects a place of arms; so that hereafter, if the British parliament should attempt to controul a military prince by the power which she conceives is reserved by her annual Mutiny Bill, her intention may be frustrated by our law, the British troops illegal in England may be removed to Ireland,

land, and kept up here against her: the limitation of her law is repealed in the perpetual duration of ours, its purpose lost, and this island formed into an immense barrack, to accommodate the military ambition of some king in his defiance of the British nation, in the unconstitutional continuation and violent application of his army. The British nation has thought her liberty in danger, if the King by his own authority in peace could keep up an army on one side the channel: will she think her liberty safe if he can do of his own authority the very same thing on the other? It was not the intention of the Irish nation to endanger the constitution of England; no, our object was to controul her usurpation and secure her liberty.

Nor will the British minister be able to prove this bill innoxious to England, by stating the act of William, enlarged by the 9th of this reign, imposing on Ireland an army not exceeding 15,000 men; for though in the British senate the minister
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may assert the validity of such acts of power, and maintain the supremacy of the British parliament to enslave Ireland; yet, if it were a measure to enslave England, he would assert his Irish prerogatives, occasionally applying the tyrannical claims of one country, and the military resources of the other, against the liberty of both.—That the Irish minister shall have made his peace with the British cabinet by such a measure, I can well imagine; but will he ever be forgiven by England? Will England be reconciled to that minister who, atoning for the service which Ireland has done to herself, shakes a central principle of common liberty, and compensate for partial good by general evil?

I must also consider this perpetual Mutiny Bill with respect to the army itself, as a great hardship; for it subjects to an absolute, endless, and irresponsible power, many thousand brave men, taken totally and for ever out of the protection of the common law, and delivered up to the clemency

mency of the monarch like the soldiers, not of England, but of military governments and absolute kings. And as the army is thus taken out of the protection of the common law, so may it be weaned from all love and affection to it; and instead of constitutional principles, vain and empty notions inculcated, an extravagant spirit and zeal of obedience, a false veneration for power, accompanied with a contempt for the law. And tho' no attempt should be made on liberty, yet may this kingdom feel long and severely this bad law, in frequent insults on the civil power, in military tumults and armed outrage; events which are common in military provinces, and are the natural effect of a power of arms, independent of the legislature, resident in the state, and yet no part of the common law, inconsistent with the genius of the constitution, suspicious and suspected, endless and unconfined.—For whatever may be the provision of the Mutiny Bill, the military power is subordinate to the civil, because dependent on the legislature. It is in vain

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to expect the soldier, made independent of parliament, will have any great respect for a justice of peace. The cautionary parts of the Bill which we have taken from England, prove how much she feared that instrument which we have made perpetual. We did not want admonition on this subject; we had seen many military excesses exhibited in this country with slight observation indeed, but which in England could not have happened without exemplary punishment; the only shocking outrages of late have been committed by men bearing the King's commission. Our country has been a theatre of such scenes:—our government has been a supine spectator of such practices, and has forwarded military disorders by barbarous mercy or unwarrantable indolence, as if it was not displeased to see the army placed above the law by that very impunity which destroyed its discipline. The army of Ireland has not been regulated by the parliament of the country, and from thence is taught to conceive itself the army of another kingdom put upon a province,

vince, and not the forces of a nation under her law. This affectation, like the tumults I speak of, has been encouraged by government, and is now confirmed by the law.

I have stated some objections to this bill, but pass over many; the creating crimes, courts, and punishments without any express words, but by a clause of reference to illegal practices which obtained under the British Act of Mutiny and Desertion, and which should not have received even a remote countenance from the Irish parliament. I pass over this and more, but must dwell on one grand objection, that parliament in passing a perpetual Mutiny Bill has exceeded its powers.

I conceive that parliaments are neither eternal nor omnipotent; their powers are not original, but delegated, and their delegation is to act within the frame of the constitution, not to alter, still less to destroy it. I therefore conceive, that a perpetual Mutiny Bill is beyond the power of parliament,

inasmuch as it creates in the crown a perpetual legislative authority distinct from, and totally independent of the constitutional legislature of the realm: and I do imagine, that parliament might, with as much regard for the principles of the constitution, and more regard for its safety, have moulded a committee of either house of parliament, for certain great purposes, into a distinct sovereign legislature, and have armed that committee with a perpetual power, as transfer the same power to one man. I also conceive, that parliament has exceeded its authority, not only in making one estate, and that the chief magistrate, (who, by the genius of the constitution, has but a negative in the formation of laws) with respect to the army in all cases not affecting life or limb, a perpetual legislature; but in divesting for ever, itself and the people, of a great portion of their legislative authority: the House of Commons is but your trustee; according to the nature of a trust, it is to exercise, not alienate, your power. A perpetual Mutiny Bill is
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not merely an act of pains and penalties ; it is not merely a law of regulation, but a solid grant of vast and summary powers from the nation at large to the crown ; and a perpetual Mutiny Bill is a perpetual alienation of the powers of the kingdom at large by octennial trustees, incompetent to alien for ever, whether we consider the nature of their trust, or the limited period of their existence. It is therefore, I say, that in strict constitution the present Mutiny Bill expires with the present parliament ; and the crown lawyers are called upon and defied to support this measure on any ground, by any argument drawn from any legal source, from practice or principle, the power of parliament, the maxims of the constitution, or the example of former time ; and I am the more alarmed at this measure, because, being a solemn surrender of a principal branch of the powers of parliament, thus by its own act divested of its inherent attributes, or rather being a partial extinction of the body itself, it is founded upon a principle and disposition which, if tolerated
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at all, go too far, and threaten and authorize the surrender, not of a part only, but of the whole of what remains to the Irish parliament of legislative authority: it entitles parliament to repeal the octennial bill; it entitles parliament to give whatever the treasury will buy or the adventurer part with; it entitles parliament to make the King absolute.

And hereafter, when the period of the present parliament shall arrive, the representatives will not give back to the people the power with which for eight years only they were entrusted; they will not give you back your birthright; they will not give you back the British constitution; and tho' parliament did not exercise formerly its inherent right to regulate the army as well as every other branch of the state; and tho' the weakness of the kingdom furnished an excuse to her parliament for omitting to claim and put forth their privileges; yet until now for this last century we did not divest ourselves of any part of them, nor did

did parliament dismember itself of its essential attributes, nor prevent the constitution from recovering itself by its own native vigor or recuperative principle. There is, I conceive, a great difference between the dormant powers of parliament and a formal surrender of them; between a right in reserve and a right which is no more. Neither do I think it just to draw parallels between what we are now, and what we were when afraid to assert constitution and trade; implicit under the approaches of impending ruin. I do not conceive that any man proposed to himself that Ireland should remain everlastingly a beggar and a slave. The nation seemed in humble expectation of some happy redemption; this was the time, your representatives are responsible to you for a great opportunity; never was a parliament so favoured by the conjuncture, or so backed by the people. As soon as trade was opened, the Irish nation conceiving that her associations and charter would be a reproach, if notwithstanding both, she consented to be governed by laws which
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she did not make; conceiving also that nothing in justice or policy, in the real or the apparent interest of Great Britain, stood in the way of liberty, denied in her different counties and cities the supremacy of the British parliament; and having herself asserted liberty, instructed her representatives to give that assertion the solemnity of a law, or the countenance of a resolution. You saw the policy of declaring your sentiments, that England might see the danger of invading, your own parliament the safety of asserting, and all the prudence of allowing rights of which an armed and chartered nation proclaimed herself tenacious. You proceeded in this great business like a serious, animated nation, who entertained a deep sense of her privileges, and a calm determination to maintain them. It was not the measure of a faction, it was not the act of a party; but a people, rising up like one man to claim their freedom, a whole people long depressed, and cruelly derided, flocking together with the most perfect order, and each individual,

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man by man, from his own lips preferring his right to be free. That people ! the Irish nation, whose grossness, tameness, and disorder, had been a subject of ribaldry to themselves, to those very men of our own country, to whose inconstant, mean, frivolous, and venal political habits you now gave the soundest lessons of constitution, and the brightest example of order : neither was this great act confined to one persuasion, but Protestant and Papist, their ancient animosity in such a cause subsiding, signed the same declaration of right ; and those whom neither time, nor severity, nor lenity, nor the penal code, nor its relaxation, had been able to unite, in freedom found a rapid reconciliation ; a certain flame rectified the humours of superstition. The time had arrived when the spirit of truth and liberty should descend upon the man of the Romish persuasion, and touch his Catholic lips with public fire. He was tried and was found faithful, he was weighed in the balance and proved sufficient : we have learned at last a simple but great truth,

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that

that one man is like another, and that all men wish to be free. I have been told the Roman Catholic had no right to sign instructions. I do not enquire into the right, but into the fact, for the Catholic taking a constitutional test qualifies, and is in conscience and equity constituted a brother and fellow-citizen. In short such were your measures and declarations, that I defy the most learned of your traducers, from all the store of their reading, to produce any thing comparable to the conduct of the Irish nation: and I will further say, that if it had not been you who had spoken, but the laws you were employed to restore; —if the law had put forth a voice and promulgated herself, she had not been revealed in accents of more truth, temper, and purity. You shook off the tyranny of the English, you deterred the invasion of the French, you restored the liberties of the Irish, you gave operation to law, you gave civilization to manners, you raised a drooping province, you humbled a saucy ministry, you compassed a mighty revolution,

volution, you became a theme of public worship, and the subject of just and necessary thanksgiving;—they who abhor revered you; nations you never heard of spoke of you.—Nothing was wanting but the uniform concurrence of your parliament to have placed the Irish nation on the broad foundation of liberty and the summit of fame.

In your great effort you met however with difficulties, not from the English nation, but the Irish administration, who had engaged to the British Minister, that Ireland, indulged in her requisition for trade, should not bethink herself of constitutional reformation; and accordingly personal application was made to many, hoping that they would oppose the discussion of all political questions in parliament; and also, wherever they had property, credit, or character, would prevent the people from expressing their sentiments. The representations of our minister were to receive the colour of truth, by concealing the temper and state of the

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nation. In this application the Irish minister found accomplices ; by such the blessings of the British constitution were represented as a speculative good, and the loss of these blessings as a speculative evil : attempts were made to debase and poison the public mind, by deterring it from questions which related to liberty, as above comprehension, and incompatible with industry ; resolutions expressive of our entire satisfaction in the recent extent of trade, were proposed in the Commons with a dark design to dissolve the nation's spirit, and prevent the recovery of her constitution ; that so this country might sit down a commercial province, and not seize the opportunity of becoming a free kingdom ; nor did such men endeavour to mislead your understanding only, they defamed your character.

The great and glorious effort which I have just related, to shake off the yoke of the British parliament, was vilified as an attempt to sever us from the British nation ; as if the connection was preserved by the circum-

circumstance which disgraced it, or the two nations were linked together like lord and vassal, and not united by common privilege as fellow-subjects and fellow-freemen. They whose friends had been neglected, or whose written proposals of a very corrupt nature had not been complied with, and who under that disgust had opposed Lord Buckingham on the subject of commerce, now, having made up matters with the court, opposed the people on the subject of liberty. They who had been accustomed to make private advantage of public injuries, and who supported their retainers on their suffrages, blessed indeed with ample property, but by a servile following made dependent upon government, opposed the return of your liberty as they had, until hurried away in the tide of 1779, opposed the extension of your trade. They charged your struggle for liberty as a design against property, a conspiracy to rob the great by a pillaging commonalty; they made this charge with the style and air of authority, as if property intitled the proprietor not only to sell himself,

self, but to sell and load the public with his comrades and sycophants, and added consequence and consecration to such infamous traffic. They who hated the people from whom they had just proceeded; they who had little principle and no property, except your spoil; they who fear lest this kingdom should become too considerable to be bought and sold; all those who flourish in a province, and would sink in a nation, that inferior species of plausible character actuated by little objects and a weak intellect, formed to shine in a court, but shrivel in a free country, fell into the same idle, insolent, conceited way of talking. On the other hand, they who wished to restore the rights of this kingdom, were represented as seditious men, friends to anarchy, enemies to the British nation and their own, though they had no personal views, no friend, no follower, no mortification, no expectation, no object with respect to these nations, but to free one and endear both: in a word, the whole nation was traduced in a foolish, wanton, and wicked address, concerted to stop
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her growth, and fix her political distempers, but attended with the immediate effect of rousing her virtue. You persisted, and tho' these obstructions held you out to England as a divided people, and lost you the terror of your name,—lost you the declaratory resolution,—lost you the repeal of the law of Poyning's,—entailed upon you the lesser duty on Sugar, and the perpetual Mutiny Bill; yet, in a great degree, you prevailed. But if some men of property, I say, some (for the weight of property beyond comparison was on your side) had acted as they ought,—if some of them had not gone the last length against their country upon every question,—if some had been steady on any question,—if some of them had taken as much pains to establish the British constitution as they did take to promote or translate their creatures;—or if they had not taken pains to keep the nation down, the session had been perfect,—yet in a great degree you prevailed; and having universally denied the supremacy of the British parliament, and by your act and energy, supported by
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the individual declarations of your representatives, put an end to the British law of Mutiny and Desertion in Ireland, you made it necessary for the crown to apply to the Irish parliament for a law to regulate the army; you revived to your own parliament its inherent and dormant authority, its sole and exclusive right to regulate his Majesty's forces in Ireland; you gave the power into the hands of your representatives, and they surrendered it for ever to the crown.—I lament this act, not only on account of the constitution which we have endangered, of the power and opportunity which we have lost, but of the example which we have left; for the noblest struggle ever made by a people to shake off tyranny, has been, in this instance, converted into a change of tyrants, and the British minister put in the place of the British parliament. — A government approaching to a military one has been imposed upon us by our own law, our virtue turned against ourselves, and punished by our own parliament, a public and concluding disgrace

grace thrown upon our past efforts, and a melancholy damp cast on our future. I conceive there is a certain national character, there is a dignity without which no people can look for respect or privilege; a nation's character is her shield, the people's majesty a sacred defence, public pride a mighty protection. 'Tis therefore I not only feel the constitution stabbed by this perpetual Mutiny Bill, but see with concern other great and solid securities trampled upon, the maxims of public pride, of parliamentary consistency and national dignity violated. A parliament the most respectable that ever sat in this country, made to adopt the dictates of the British council, and forego its own recorded opinions, suffering the British minister to mould our constitution as the British manufacturers have been suffered to regulate our commerce. The nation itself involved and scandalized in the compliance of her legislature, and exhibited to Great Britain as a vain boaster; a certain ridicule cast upon her declarations, exertions, and arms; and the British minister

ter taught by ourselves to repent of past concessions, and encouraged for the future to make a bold and unconstitutional stand against the just desires and obvious rights of the Irish nation.

I have heard it urged as an excuse for this pernicious and disgraceful measure, that it was a matter of necessity. A Mutiny Bill was necessary, you made it necessary, but the necessity lay on the king, not on his people; you did not want an army to defend your lives and properties, you did not want an army to support your claims, you did not want an army to give protection and confidence to your servants; you were yourselves an army adequate to all your own purposes, your safety reposed with your liberty, where both ought ever to reside in the nation's right hand.—It was his Majesty, whose power, influence, servants, pride, and attachment were all in that great question involved.—You had the key to the royal heart,—the instrument of power was in your hand,—the crown was a suppliant to

to the Irish nation, not for revenue, but for what princes value more, the army; and must have taken it, as the king takes his revenue, and took his crown, upon the terms which his subjects, in their wisdom, are pleased to ordain. Had your parliament chosen to have annexed the great charter, which they who formed the bill, knowing the House, prudently declined; and had your parliament chosen to have annexed the great charter to the Mutiny Bill, the British minister must have finally complied, his own bayonet would have forced Magna Charta upon him; and standing armies, in general hostile to liberty, might have been rendered the involuntary and miraculous instrument of its establishment. Never did a nation stand so entrenched; never was a post of strength so lost. Don't believe that vulgar threat that the king would have disbanded his army; arguments of this kind are not to be listened to, nor are those in earnest who resort to them, nor should the ministers of kings be

suffered to tell the subjects of this country that his Majesty *won't* permit his Irish parliament, like that of Great Britain, from time to time, to regulate its own military establishment, or that his Majesty *won't* receive great and unconstitutional powers, such as a limited Mutiny Bill communicates, except upon terms more extraordinary and more unconstitutional; as well might the minister ask for absolute power, and denounce, on the hesitation of parliament, an abdication of the crown: but this argument was not founded on the firmness of the minister by whom it was invented, but in the folly or the corruption of those to whom it was applied. The Mutiny Bill was not made perpetual, because the British minister would not take a limited, but because the Irish parliament was known to be ready to give him a perpetual dominion over the army; the minister would have been satisfied with a good bill, but preferred a bad one. The attack on your liberty had never been made, if the surrender had not been previously and clandestinely covenanted;

nanted; it was not a determined minister, but a willing parliament.

I have heard that the Bill, though perpetual, is a benefit, because it carries the principle, *viz.* that the King, Lords, and Commons are the only body competent to make law for Ireland.—Parliament might have declared that principle; but this bill does not declare it by express words or necessary construction, or concomitant circumstances. The principle to the extent of this kingdom was carried before, and being once established here, carried itself in Great Britain. Unless we gave the crown a power of shaking this principle by arms, the Bill, coming back under the seal of Great Britain, had the assent of the crown to whatever proposition it contained; if the House of Commons had sought an argument in support of liberty, they should have passed the express declaration of rights; if they looked to solid strength, they should have kept the army dependent upon themselves; they should have acted upon a principle

ciple that could be reconciled to theory or practice; they should not upon any ground, either of argumentative or actual security, have declined a declaration of right, and surrender the dominion of the sword, adopting a line of conduct far below firmness, and above caution; arming without fear by a perpetual Mutiny Bill that power which they trembled to provoke by an assertion of their liberty.

The objection preferred against a declaration of right, was, that a nation's liberty could not be determined by the words of the House of Commons, but the powers of the country; had the declaration weakened her power, though it asserted her liberty, the passing it had been inexpedient, and therefore a perpetual Mutiny Bill, not asserting in any terms the right, and in the most full and effectual terms diminishing the power of the country, was upon no principle to be justified, neither by the arguments of those who supported a declaration of right, nor of the men who
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opposed it. That we have gotten free from all the laws of the British parliament by the Mutiny Bill, I deny; for the Post-office remains.—That we have gotten free from the insult, I deny; for Ireland is named in the new British act.—That we have gotten free from the exercise of the British Mutiny Bill by our own, I deny; for the British act had expired in our determination to disobey it.—Our situation, vigour, and spirit was such at that particular time, that nothing could have injured us but our own laws, nor have disgraced us but our own parliament: nor let the nation deceive itself so much as to think that the British minister, who has sent us a perpetual Bill, admits the liberty of Ireland. No! he is an enemy to your liberty, he thinks that the British parliament by its laws, the king by his prerogative, that each and both can make articles of war for this country, and therefore he has made the Bill perpetual, that the Irish parliament may never again attempt to exercise, what, in his opinion, better belongs to others, the power of regulating

gulating his Majesty's forces.—It was impossible to prevent the just claims of the Irish nation: the minister who denied, could do no more then get rid of them for ever; and accordingly has annexed a clause of surrender to the very law in which those claims were advanced; saving his own pretensions and rebuking yours: he has stricken the nation in the height of her glory.

I have heard it urged in mitigation of the mischief of this law, that notwithstanding this law, his Majesty cannot keep up his army without the express consent of parliament given from session to session. I have said so; I think also that his Majesty cannot charge his hereditary revenue with pensions; but I see, though these are points of law, they are not posts of strength; the perpetual nature of the laws of which we speak and complain, those dangerous laws which give the king the purse, and that disgraceful law which gives him the sword, enables him to misapply both, to waste your treasure, and keep up your army without the controul

troul of parliament. The latter law, the Mutiny Bill, I conceive, by this argument, not proved to be safe, but rendered cruel and absurd, for it is a statute at variance with the common law, a statute making it capital at all times to desert the army, which is at no time legal without the consent of parliament; and which may thus be kept together by force to be fed by rapine: and I cannot here but observe, that this argument did not occur before, but was invented for the occasion, and is a despicable apology and poor point of law, to the observance of which we have annexed the penalty of death, giving up solid strength, and hanging on such perilous, speculative, and fantastic security, the vast and weighty charge of public liberty. France, Spain, kingdoms that have no liberty, I dare say, have similar points of law; but the ear of a military government will not listen to such things, they are the sad devices of an infamous cause, and the last gaspings of exhausted argument: they are only of weight when the people have reserved a solid strength which

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makes such arguments unnecessary; they are fortresses to which no man would retire, but he who was determined to capitulate.

I have heard it said, that the army is imperial in its nature, and therefore that no part of it should be left to the Irish parliament for its regulation; but this proposition wants truth in its premise, and is false and absurd in its consequence.—The army is not imperial, the constitution don't conceive an empire, neither is it founded upon maxims imperial or military.—The law of England, which establishes the army, makes it parliamentary, not imperial; the law of Ireland, which provides for the army, makes it an Irish, not an imperial army.—The premise therefore is false, the conclusion is false and absurd; for if the premise were true, it would conclude, not for a perpetual, but against any Irish Mutiny Bill—for the English Mutiny Bill; for the supremacy of the British parliament.

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This argument, thus founded on an ignorance of the constitution in general, and of the establishment of the army in particular, and leading to the entire destruction of our liberty, has sought for strength in another argument equally feeble; *viz.* “ that unity of discipline is necessary, and that therefore the army in every part of the dominions should be subject to one power.” But this observation proceeds from an ignorance of the service, as the other was derived from an ignorance of the constitution.—Unity of discipline is not necessary; it is not the case of armies in actual service; it is not the case of the army now in America; it was not the case of the allied army in the last war in Germany; neither is unity of command necessary to establish unity of discipline; neither does the perpetual Mutiny Bill establish unity of command. Moreover, if unity of discipline is necessary, we are not to suppose that the Irish parliament will not secure it, by adopting the English military code; we are not to suppose our parliament inadequate to the wholesome

exercise of its authority over every branch of the establishment, military as well as civil; neither are we to conceive the crown incapable of abusing, and the parliament incapable of using, an important article of legislative power; neither having trespassed upon the common law to admit an army, are we to commit further and indefinite depredations to establish unity of command, under the quaint pretence of securing unity of discipline.—But the perpetual Mutiny Bill does neither: it does not establish unity of command, and it endangers unity and equality of discipline, by making the principal articles of war perpetual in Ireland, which are annual in Great Britain, by establishing an army here of a distinct nature, and military powers in the crown of a different extent and duration from what was ever attempted or would be endured in Great Britain. Imperial armies, imperial legislatures, imperial unities are terms, in my mind, of very little meaning; they are the vanities of the British court, harassing the connections of the British nation; unconscious

conscious of limit, subversive of liberty, and a stranger to the law; in their theory, they are insult, and in their application—war.

I have heard it suggested, that the mischief of a perpetual Mutiny Bill exists in speculation only; but I cannot think so, no more than I could think that any political question, any constitutional injury, a total, instead of a partial loss of liberty, was an evil in speculation only: a measure which changes the balance of the constitution to the side of power, and throws into the scale of the monarch the perpetual dead weight of the sword, is not a speculative evil, to any mind, except of those to whom the blessing of a free constitution is a visionary good. But in political as in moral depravity, the slave, like the sinner, will not see his crime until he feels his punishment, and smarts under the lash either of the tyrant or the law.—In this constitution every diminution of the power of the people is an actual evil, every encrease of the power of the crown is an actual evil.—An injury in speculation is a
measure

measure neutral in itself, but dangerous in its tendency.—The perpetual and unbounded grant of the power of the sword is not the evil tendency, but the actual evil,—that from this evil more will ensue, and that a military government will be used to establish an absolute one, is, I do acknowledge, a speculation, but by no means absurd, because the thing did happen. James II. in the last century did endeavour to make himself absolute, by assuming, of his own authority, that very power which we have now given the sovereign a perpetual law to exercise: he kept together, by martial law, an army of 30,000, paid by his civil list; an English army, however ready they may be found to enforce the supremacy, were at that time reluctant to destroy the liberty of the British nation.—To guard against a similar attempt the declaration of right sets forth, that standing armies and martial law in peace. without the consent of parliament, are illegal; meaning the consent of parliament from time to time,
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of the then existing parliament, who seeing the use which his majesty makes of his army, may give their consent or withhold it. We are blessed if not benefited by experience.

I know very well, that in political questions, arguments unanswerable, founded in the obvious nature of the question, when by a certain set of politicians they are not treated as factious, will be derided as visionary; for men long lost in the service of a court, do not choose to consider the consequence or the spring of their own action, their conscience informs their capacity that sufficient for the day is the crime and corruption thereof. Such men, for a very vicious conduct, have an apparent retreat in a very bad understanding: but it has been by a different way of thinking, that liberty still exists in England, when in almost every other quarter of the globe she has perished; and that the British constitution survives in a world of slavery, owing I suppose to a perpetual vigilance, an English

lish instinct, an unremitting jealousy, an apprehensive people, wherever a stab was given certain to gather about the wound, active on the frontier of privilege, and banking out oppression as the Hollander banks out the sea.—Such formerly was the conduct of England, such ought to be now the conduct of Ireland; for of all nations she has most reason to be apprehensive about her liberty, because it is but this moment rescued; it is but just recovered from the supremacy of the British parliament; and it was within a cast of being surrendered by the compliance of our own: a proposal was made not many years ago to grant a Money Bill for an immense period, and rejected by the accident of one majority. The danger to Irish liberty therefore is not visionary: no, her escape is miraculous!

I have heard it said that the Mutiny Bill is safe, because the king will not make a direct attack upon the rights of his people; but there are other ways of invading liberty
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besides open and direct hostility; great powers given to the crown, such as we have given; a perpetual and encreasing revenue, with a law to collect it of eventual perpetuity, accompanied with the perpetual and unbounded power of the sword, may in a course of time make the chief magistrate so very strong, that the subject will be afraid to oppose him: in such a posture of strength and weakness a nation capitulates without a blow, all her strong posts are taken, revenue, army, purse, and sword.—The question don't come to a trial; they who would not make a constitutional resistance to the first encroachment, will not be called upon to make a treacherous stand against the last act of power; their country will never know how little such men are to be depended upon: the king, in such a case need not resort to arms; his solid strength operates without being put forth, and is an occult cause influencing and depressing the motions and spirit of parliament and people: the subject feels at a distance an accumulated weight of

power coming against him, and by instinct retires.

What else was it which until 1779 made the people of Ireland, with all the privileges of the British nation, afraid to resort to the benefit of their own laws? What, but an evident superior strength arrayed against them? What else was it which in 1779 made the parliament and people struggle for their birthright? What, but that occult cause, a conscious strength, an inward security, an armed people? This surprising change never came to a contest, the nation recovered her liberty with as much tranquillity as she had lost it. The volunteers never attempted force: no, but they stood by, giving a silent confidence to liberty, as an independent army; if these volunteers disperse, they will give a silent confidence to power.

Nor is liberty only endangered by the sudden irruption and silent growth of power, but by the fears and resentment of corruption,
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when the venal man trembles for his safety, and is inflamed at his own infamy, and hating and hateful to his coutry, disables her resentment by destroying her liberty ; for slavery, like death, approaches in many shapes, and should be guarded against in all.

A measure unconstitutional and corrupt may be adopted by parliament, at a time when the expectation, pulse, and spirit of the nation are high. Inflamed at such a conduct the people may fall into a violent method of expressing a just indignation, and may disclaim that majority which assented to a measure conceived to be destructive. This majority, or many of them, lost in public estimation, conscious of public detestation, supported by public money, afraid of responsibility, careless of liberty, shocked at popular enormities, and full of an aristocratic impatience of the growth and consequence of the people, may apply to the crown for protection and revenge. And thus a venal set of men, prostituted for hire and furious for punishment, who at first

only meant a corrupt vote, having once kindled the people, fortify themselves by an accumulation of crimes, and having given the king an unconstitutional power for money, give him absolute power for protection; the political degrees are natural and rapid; from perished principle to execrated character, and so on to the last act of despotism and despair, the headlong tribe precipitate, and avenge the reputation they have lost, upon the liberties they have left.

This may be the case, for something like the seeds of this has been the case.—The Sugar and Mutiny Bills had received the fullest consideration ever given to any public question; and after the nation had obtained in each a victory over her administration, they were transmitted to England with a zeal approaching to transport. They were returned, both altered; one alteration made a dangerous change in the constitution, the other was an indirect detraction from the free trade and direct infraction of the

the privilege of the Commons: both were attended with a public affront, and both were adopted by parliament; that very parliament whose privileges these alterations invaded, whose powers they diminished, whose sense they superseded, and whose pretensions they insulted. The nation had been tempered too high to bear this with silent submission; that parliament which now sunk itself, had before raised the spirit of the people. There is in this country an intelligent public, men who don't understand constitution like a Crown lawyer, nor equalization duties like a custom-house clerk, yet see the honest sense of every great question, and have a lively and uncorrupted feeling of a national insult. The truth was, that every man in this kingdom understood the motives and felt the final conduct of parliament, the whole nation felt it; she felt it as a mortification to her pride, a blast to her expectations, a blow affecting her from the metropolis to the last and remotest of her associations, electrifying her radically and universally from center to circumference.

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Some of the volunteer corps express this general disgust by the warmest resolutions; they discover the generous indignation of independent citizens, and express that indignation in the unguarded language of soldiers. They who never deserted parliament until she deserted herself, charge the majority with having upon these questions betrayed their country. It was a great charge; let me add, it was a great crime.— Alarmed at these proceedings, the administration, who by influencing had separated and detached parliament from the volunteers, summon their friends to a private meeting, assembled to maintain the dignity of the legislature by the dependents of the Castle. At this contemptible gathering it was agreed to take notice of the above resolutions in both Houses. That parliament who had been corrupted to perpetuate the army of the king, are now instigated to punish the army of the people*. A motion is made to address

* Probably this motion was not then seen in all its consequences, certainly not by the person who seconded it; a young nobleman of great spirit, integrity, and sense.

dress his Excellency to order a prosecution. That House of Commons whose dignity was never entirely lost until the administration were petitioned to defend it, who had been, until the court cashiered it, the head of the nation's army; that House of Commons who had brought to the residence of the Lord Lieutenant the volunteers as their guard, and astonished him in his own Castle, now becomes an humble petitioner to that very Viceroy, to punish those very volunteer corps, who were by the inconsistency of parliament, in the course of one session, the subject of its thanks, the partners of its triumph, and the object of its prosecution.

Fortunately for the kingdom, but most ignominiously for parliament, the ministry who prompted their address did not pay it the smallest attention. This unnatural contest has ceased; privilege is authority, and authority is character. The privilege of the Commons is the privilege of the people in the persons of their representatives and
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servants; not a shield against the nation's sentiments, nor a scourge to punish her discussions. The Commons therefore did not rely on the breach of privilege, but addressed his Excellency to prosecute; and his Excellency stopped because he could not proceed. An army is too numerous for a prosecution, and the country too free for a prescription. Moreover, it must be a great object to the minister, who carried such a measure as the Mutiny Bill, to establish a mutual amnesty,—information forgotten on the part of the court, constitution on the part of the people: but tho' the volunteers cannot be prosecuted, yet if they were not more numerous and more united than court agitators could wish, I do believe they would be dispersed, and that the merchants and the other high spirited obnoxious corps would never have been suffered to associate again at a review, by a government armed as ours now is with a perpetual power of the sword, and prompted by the address of both Houses of parliament: so little do men who make an encroachment on public

lic liberty, know to what length they will proceed when hurried on in a contest and obliged to defend the dignity of doing wrong by the guilt of doing worse.

I have stated the principal arguments in palliation of the Mutiny Bill, and their answers.

If any thing could aggravate such a measure, it is the consideration that the motive was as profligate as the law was mischievous; and that this bill has been accompanied, as it was produced, by a most profuse application of honours and a faithless application of money. We have seen its conscientious supporters paid for their vote, either in their own persons or in that of their friends; or publicly balked when they expected to be bribed., The House of Commons was actually canvassed, and men desperate of corruption were solicited once more into their original state of mendicant importunity. Places, pensions, promises, ready money, the whole mystery of

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ecclesiastical patronage, all like the faith of the Lord Lieutenant, were prostituted on this occasion. That this trade should have taken place under Lord Buckingham's administration, I did not expect: for I remember when his Secretary made the following engagement, after Christmas in 1778, when a motion was made to resolve to address his Excellency, to know whether he had any powers, and how far they extended, to diminish the Pension List; the Secretary rose and made the following specific declaration, "that no
 " new place nor additional salary was to be
 " created, and that no new pension was to
 " be added, except in the instance of one
 " of the royal family, or a judge desirous
 " to retire; and further, that the list, as
 " pensions dropt, was not to be supplied."

In consequence of this solemn official engagement the motion was withdrawn. The departure from this engagement, the creation of additional salaries and pensions, must embarrass the advocate for the inviolable

violable purity of Lord Buckingham's administration; and I do believe nothing could have induced his lordship to forget his word, if orders had not come from the British cabinet at any expence to carry the perpetual Mutiny Bill, and to break and corrupt the spirit of Ireland, as the best means whereby his Excellency could obtain forgiveness for the benefits which the Irish nation had obtained for herself. But tho' these orders were positive, I cannot see any excuse for obeying them. We live in a land of liberty. His Majesty cannot in this kingdom order a subject to violate a public promise: the meanest peasant can defend his faith against the commands of his sovereign. The King could not disgrace Lord Buckingham, if previously he had not disgraced himself.

As Lord Buckingham stood bound to Ireland, an order to increase a salary or add a pension was an attack upon his personal integrity, amounting to an insolent revocation of his commission. Had his Excel-

lency, instead of pressing by all the power of faithless engagement the perpetual Mutiny Bill, pleaded his honour, he would have made a respectable retreat, and would have stood on the ground of our character and his own; but unfortunately for both, for his credit and our constitution, he carried the perpetual Mutiny Bill, and taught the British minister to despise the Irish parliament, and to reprobate that chief governor, who had so long and ineffectually dallied with its virtue. Instead of being thanked for the victory obtained, he became responsible for the mischief he had omitted. All our virtues were stated against him; and at the same time that he exposed himself to the charge of past imbecillity, he has exposed us and our societies to a future plan of vigorous operation.— But though the concluding part of his administration is exceptionable, the period for which he suffers in the cabinet is to be admired, not censured. He saw this kingdom threatened by a foreign enemy, and felt

felt the incapacity of the state to defend her,——he therefore distributed arms among the people to secure the Irish nation to the British crown.——He found the treasury empty, and the people begging——he did not inflame hunger to frenzy, by attempting to apply an exhausted exchequer to prevent the trade of a famished people,——he did not conceive the loyal armaments of the Irish nation rebellious associations,——he was not a spy on our armed societies,——he did not despise moderation,——he was carried away in the tide of the times along the stream of your prosperity,——his government seemed to partake of the triumphs of the people, and the non-resistance of the state secured its tranquillity,——his virtue ceased where his action began. His character was formed upon his defeats, and undone by his victories.——Pure in his own person,——with respect to his connections, pure and inexorable,——with respect to Ireland, in the earlier part of his administration, innoxious, and to the British cabinet odious.——He sought by a corrupt conclusion a return to
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the bosom of court-favour, and found the viceroy was unpardonable in the acquisitions of the people.

I lament his ill-treatment, because it proceeds from an alienation to the country that flourished under him: he has lost the countenance of the British court on account of your Address for Trade, your Short Money Bill, and above all, the growth of the armed societies, and the thanks of both houses of parliament.

His departure accordingly is marked with circumstances of public tenderness: the nation softens; there is a generosity in a free people which far exceeds the measure of scrupulous justice: to be injured under the supposition of being a public benefactor, is a claim to their protection; distinct from any positive merit, Lord Buckingham excites a passion in his favour approaching to love; we feel our cause combined with his fortunes,—the shield of the nation rises up to encompass and protect

test him, and we follow him with sympathy to the verge of the island.

A new administration succeeds, which the expence of government and the growth of debt have put for the present in the power of parliament: hereafter it may be otherwise, when from commerce and peace the revenues shall encrease; and as a profuse establishment puts an administration in the power of parliament, so an approaching election puts parliament in the power of the people. The resources of the constitution, even as we have mangled it, are many,—adequate to the redress of all grievances by measures lenient and legal. You are the great creative radical part of the constitution; the source of the nation's vigour, and the seat of her soul: King, Lords, and Commons stand upon your base: you form, and may reform parliament. A list of measures, a general qualification, an elective creed to be tendered to every candidate, would extort national conditions from corruption itself:
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but unless the nation shall be previously concerted and covenanted, she will be surprized by a dissolution, and a general election will be a radical defeat.

Let the power of binding Ireland by the British parliament be utterly and for ever abolished and abjured, that there may be no seed of jealousy between the two nations, on whose heart-felt coalition their mutual happiness depends, that officious men may not traduce one country to the other, and that a future minister may not proceed, as in the instance of America, on the reserved principles of supremacy, and, unable to govern either country, embroil both. Let the power of the crown to alter, and of the Irish council to alter and suppress our bills, a power useless to his Majesty, opprobrious to his subjects, and founded on misconstruction of law, be relinquished; let the Mutiny Bill be here as in England, dependent on parliament; let the Judges be here as in England, independent of the crown; that the mouth
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of the law may not be the will of power,
nor the sword her instrument.

These are the principal constitutional amendments. But should the British minister trample down America, and become haughty to Ireland, if instead of new, necessary, and humble acquisition, a blow is meditated, let me conjure you, in order to keep what you have gotten already, to preserve your armed associations. I will conclude by appealing to them.

The Irish constitution, commerce, and pride with you began, and with you they would vanish. Until Britain is reconciled to our participation of trade,——while the British parliament claims a right to take that trade away and make law for Ireland,——you are the great charter of the Irish nation, our efficient cause and final hope. Prompted by you we have conceived a vast image of our own greatness——prompted by you we have spoken definitively to Great Britain, and astonishing her pride and awakening her justice, have stated in one sen-

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tence the provocation of a century.—Obnoxious for that virtue, you are to confirm your advocates, the objects of hatred and estimation, and to preserve your associations, the dreaded instrument of national deliverance. Believe me, you have many enemies, you are to guard against false friends and natural foes, against the weakness of human nature and the depravity of man, against sloth, against security, against administration, against a militia. What! are we to go back to the days of confusion and power,—when the kingdom was lawless, and the trooper was the magistrate, and no act was executed but acts of the British parliament! I have heard your legality disputed.—Conscious as I am that no law prohibits the subject to arm, convinced as I am of your legality, I conceive that question to be lost in the immensity of your numbers. And with the pomp, and power, and trade, and all that train which await your progress, I shall not stop your army to ask, What law has made you? Sufficient that there is

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no law against you, sufficient that without you there would be neither law nor liberty. Go on and prosper, thou sword of justice and shield of freedom: the living source of an ancient flame, the foundation of our pride; a providential interposition, an army enriching the land with industry, costing the state nothing, adequate to all her enemies, and greater than all her revenues could pay! awful indeed to the tyrant, but to a just prince unconquerable strength. The custody of the nation's character is in your hands. Go on and multiply, and add immortal security to the cause of your country!



F I N I S.

E R R A T A.

Page 8. *Part of the declaration, instead of that part.*

50. *Flight, instead of height.*

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